

EXPRESS MAIL NO: 15210815US

04-12-02

JCO: JCO PCT/PTO 110 APR 2002

09/889,686

#2714
04 May 02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Klaus During, *et al.*

Appl. No.: 09/889,686

Filed: July 17, 2001

For: **METHOD FOR THE
CONTROLLED POST-HARVEST
PRODUCTION OF PROTEINS IN
HOST ORGANISMS**



Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

Attorney Docket: 03528.0133.PCUS00

**Response to Notification of
Defective Response**

BOX DO/EO/US

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the **Notification of Defective Response** dated March 22, 2002,
Applicant(s) submits the following documents for appropriate action by the U.S. Patent and
Trademark Office:

- ☒ Copy of the Notification of Defective Response;
- ☒ Statement Regarding Sequence Submission;
- ☒ Paper Copy of Sequence Listing;
- ☒ Computer Readable Copy of the Sequence Listing;
- ☒ Return postcard; and
- ☒ Our check for \$5.00 to cover:
\$5.00 Fee for Multiple Dependent claims surcharge.

It is respectfully requested that the attached postcard be stamped with the date of filing of
these documents, and that it be returned to our courier.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency,
or credit any overpayment, to our Deposit Account No. 08-3038 referencing docket number
03528.0133.PCUS00. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise
provided for herewith are required to prevent abandonment of the present patent application, then

Application No.: 09/889,686

Attorney Docket No.: 03528.0133.PCUS00

09/889686

such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 08-3038 referencing docket number 03528.0133.PCUS00.

Respectfully submitted,

Date: April 10, 2002



Albert P. Halluin (Reg. No. 25,227)

Viola T. Kung (Reg. No. 41,131)

HOWREY SIMON ARNOLD & WHITE, LLP

Box No. 34

301 Ravenswood Avenue

Menlo Park, CA 94025

Tel. (650) 463-8109

Fax (650) 463-8400

Adjustment date: 04/18/2002 UEDUVIJE
07/24/2001 HAYPAGH 00000039 09889686
03 FC:969 -135.00 OP

04/18/2002 UEDUVIJE 00000140 09889686

01 FC:969 140.00 OP



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/889,686	Klaus During	03528.0133.PCUS00

INTERNATIONAL APPLICATION NO.
PCT/DE00/03119

IA. FILING DATE	PRIORITY DATE
09/05/2000	11/23/1999

Albert P Halluin
 Howrey Simon Arnold & White
 301 Ravenswood Avenue Box 34
 Menlo Park, CA 94025

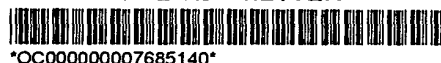
RECEIVED

APR 01 2002

Howrey - SV

CONFIRMATION NO. 7122

371 FORMALITIES LETTER



OC000000007685140

Date Mailed: 03/22/2002

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- U.S. Basic National Fee
- Indication of Small Entity Status
- Priority Document
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- English Translation of the IA
- Oath or Declaration
- Preliminary Amendments
- Small Entity Statement

Docket Department

File _____
 Action Resp To Notice Due
 Due Date 04-22-02
 W/Ext's —
 Initials lsm
04-01-02
AIF

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Additionally the following defects have been observed:

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
 - The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
 - APPLICANT MUST PROVIDE:
 - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
 - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov
 - Additional claim fees of \$5 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$5 for a Small Entity:

- Total additional claim fee(s) for this application is \$5
 - \$5 for multiple dependant claims surcharge.
- A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHARITTA A BURT

Telephone: (703) 305-3734

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/889,686	PCT/DE00/03119	03528.0133.PCUS00